

REMARKS

I. INTRODUCTION

This is a full and timely response to the non-final Office Action mailed February 27, 2003. Claims 1, 2, and 13-23 are pending in this application. Claims 3-12 were withdrawn from consideration by a prior Office Action. The present Office Action has rejected Claims 1, 2, 13-15, 18, and 19. Claims 16, 17, and 20-23 are objected to. Independent Claim 1 has been amended to clarify the Applicants' claimed invention. Claims 16, 20, and 22 have been amended to independent form. FIG. 6 has been corrected in accordance with the Office Action recommendation. As discussed in greater detail in the accompanying remarks, the cited art does not disclose or suggest all of the elements of the claimed invention. Therefore, Claims 1, 2, and 13-23 should be allowable over the cited art.

Brief Discussion of Amendments

Independent Claim 1 has been amended to clarify that the claimed invention includes "an adjustable connector adapted to adjustably connect the adjustable clamp to the transducer holder, wherein the adjustable connector comprises a shaft extending from the transducer holder and a barrel adapted to receive the shaft." (Underlining supplied). All of the proposed amendments to the claims are fully supported by the original specification.

Claims 16, 20, and 22 have each been amended to independent form, including all limitations of the respective base and intervening claims. All of the proposed amendments to the claims are fully supported by the original specification.

Furthermore, FIG. 6 has been corrected in accordance with the written description. Substitute drawing, FIG. 6 has been submitted with this response for the Examining Draftsman's review. No new matter has been introduced in the specification or the drawings.

II. THE REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 2, 13-15, and 18-19 stand rejected under 35 U.S.C. § 102 as being unpatentable. Specifically, Claims 1, 2, and 13-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,604,870 to *Asman* ('087 patent). Office Action, p. 3. Further, Claims 1, 2, 13, 14, 18, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,431,038 to *Rome* ('038 patent). Office Action, p. 3. Moreover, Claims 1 and 2 were also rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,394,955 B1 to *Perlitz* ('955 patent). Office Action, p. 4. Finally, Claims 1 and 2 were also rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,355,006 B1 to *Ryaby et al.* ('006 patent). Office Action, p. 4. Independent Claim 1 has been amended to clarify the invention. In light of the present claim amendments and remarks below, the rejections of Claims 1 are respectfully traversed.

The Rejection of Independent Claim 1

Independent Claim 1 has been amended to clarify that the claimed invention includes "an adjustable connector adapted to adjustably connect the adjustable clamp to the transducer holder, wherein the adjustable connector comprises a shaft extending from the transducer holder

and a barrel adapted to receive the shaft.” (Underlining supplied). The Office Action argues that *Asman* discloses an apparatus with an adjustable clamp assembly, a holder, and an adjustable connector. Office Action, p. 3. *Asman* generally describes a light fixture with a horizontal light carrying arm fixed to an upright supporting standard. While *Asman* generally describes a clamp for adjusting the height of the horizontal light carrying arm relative to the upright supporting standard, *Asman* does not disclose or suggest “an adjustable connector adapted to adjustably connect the adjustable clamp to the transducer holder, wherein the adjustable connector comprises a shaft extending from the transducer holder and a barrel adapted to receive the shaft.” The disclosure of *Asman* does not even relate to an ultrasonic transducer, or to an apparatus for adjustably securing the ultrasonic transducer to an orthopedic appliance. Therefore, amended Claim 1 should be patentable over *Asman*.

Furthermore, the Office Action argues that *Rome* discloses an apparatus including an adjustable clamp, a holder, and an adjustable connector. Office Action, pp. 3-4. *Rome* generally describes an electrically-operated, actuating pencil sharpener with a clamp. While *Rome* generally describes a clamp for adjustably fastening the pencil sharpener to a surface such as a countertop, *Rome* does not disclose or suggest “an adjustable connector adapted to adjustably connect the adjustable clamp to the transducer holder, wherein the adjustable connector comprises a shaft extending from the transducer holder and a barrel adapted to receive the shaft.” The disclosure of *Rome* does not even relate to an ultrasonic transducer, or to an apparatus for adjustably securing the ultrasonic transducer to an orthopedic appliance. Therefore, amended Claim 1 should be patentable over *Rome*.

Moreover, the Office Action argues that *Perlitz* discloses an apparatus including an adjustable clamp, a transducer holder, and an adjustable connector. Office Action, p. 4. *Perlitz* generally describes a device attachable to a therapeutic head for adjustably holding an ultrasonic transducer. While *Perlitz* generally describes a clamp for adjustably fastening an ultrasound transducer to a therapeutic head of an acoustic wave device, *Perlitz* does not disclose or suggest “an adjustable connector adapted to adjustably connect the adjustable clamp to the transducer holder, wherein the adjustable connector comprises a shaft extending from the transducer holder and a barrel adapted to receive the shaft.” Even though *Perlitz* includes an ultrasonic transducer, the telescopic arm elements 31, 32, 33, 34 of *Perlitz* each connect between an ultrasonic transducer and a therapeutic head of an acoustic wave device, and does not include a shaft extending from the transducer holder and a barrel adapted to receive the shaft. Therefore, amended Claim 1 should be patentable over *Perlitz*.

Finally, the Office Action argues that *Ryaby et al.* discloses an apparatus including an adjustable clamp, a transducer holder, and an adjustable connector. Office Action, p. 4. *Ryanby et al.* describes a placement support 20 having multiple extensions 24 with a transducer 26 for holding a transducer assembly 16 at one end. While *Ryanby et al* generally describes positioning an ultrasound transducer with respect to the placement support 20, *Ryanby et al.* does not disclose or suggest “an adjustable connector adapted to adjustably connect the adjustable clamp to the transducer holder, wherein the adjustable connector comprises a shaft extending from the transducer holder and a barrel adapted to receive the shaft.” Even though *Ryanby et al.* includes an ultrasonic transducer, the horizontal locking extensions

520 of *Ryaby et al.* merely connect between an ultrasonic transducer and a thigh support member 512, and do not include a shaft extending from the transducer holder and a barrel adapted to receive the shaft. Therefore, amended Claim 1 should be patentable over *Ryaby et al.*

The Rejection of Dependent Claims 2, 13-15, and 18-19

Dependent Claims 2, 13-15, and 18-19 are ultimately dependent from amended independent Claim 1. Arguments for patentability of amended Claim 1 have been advanced above. If the underlying amended independent Claim 1 is found to be patentable over the cited references, then dependent Claims 2, 13-15, and 18-19 should also be patentable over the cited references.

III. THE OBJECTIONS TO CLAIMS 16, 17, AND 20-23

Claims 16, 17, and 20-23 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 16, 20, and 22 have been amended to independent form, including all of the limitations of the respective base claims and intervening claims. Claims 16, 17, and 20-23 should now be in condition for allowance, and a notice of allowance for these claims is respectfully solicited.

IV. THE OBJECTION TO DRAWINGS UNDER 37 C.F.R. § 1.83(a)

FIGs. 6 and 7 were objected to under 37 C.F.R. § 1.83(a) as not containing subject matter recited in the claims. The Office Action requested correction of the drawings to show the clamp feature in combination with the elected embodiment of FIGs. 6 and 7. FIG. 6 has been corrected to show a clamp feature, similar to the clamp 260 shown in FIG. 5, and as further described in the claims and written description.

CONCLUSION

Claims 1, 2, and 13-23 are pending in the application. Claims 1, 16, 20, and 22 have been amended by the present amendment. Furthermore, FIG. 6 has been corrected in accordance with the Office Action recommendations. Claims 1, 2, and 13-23 are now in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance for Claims 1, 2, and 13-23. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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